

Customer No. 25280

Case No. 2992B

REMARKS35 USC Section 103 Rejection:

Claims 44-54, 60-70 and 76-86 were rejected under 35 U.S.C. 103(a) as being obvious over Farmer (US Patent No. 4,103,051) in view of Krogh et al. (US Patent No. 6,169,064).

The Examiner maintains this rejection from the previous Office Action (dated 6/15/05). In response to Applicants' arguments provided in the Response (dated 9/15/05), the Examiner contends that one of ordinary skill in the art, at the time the invention was made, would have been motivated to combine the teachings Krogh et al. with that of Farmer since Krogh also teach the ether amines which are encompassed within the broad scope of substituted hydrolyzable polymers recited by the instant claims. The Examiner further believes that since Krogh et al. teach that the isodecylopropylamine surfactant prepared from ether amine or diamine precursors including isopropyl-oxypropyl amine; isohexyloxypropyl amine; decyloxypropyl amine; isotridecyloxypropyl amine; and isotridecyloxypropyl-1,3 diamino propane results in a superior surfactant (Ex. 6; col. 2, lines 30-40; col. 4, lines 30-35), one of ordinary skill in the art would be motivated to choose an ether amine over a fatty amine to result in a superior surfactant.

Applicants have amended claims 44, 47 – 49, 60, 63 – 65, 76 and 79 – 81. Applicants have cancelled claims 45 – 46, 61 – 62 and 77 – 78.

Applicants respectfully disagree with the Examiner's assessment that Krogh et al. provides a teaching that would lead one of ordinary skill in the art to choose an ether amine over a fatty amine. Example 6, which is cited by the Examiner in support of this argument, is directed to a composition for use as a roof coating surfactant. See, for example, Krogh et al. at column 5, lines 50-52 where it states, "Specific examples of suitable amine ether acid salt surfactants for use in the roof coating surfactant are identified in each of the following Examples 1 – 6."

Thus, Applicants respectfully contend that the teachings of Krogh et al. in combination with Farmer do not lead one of ordinary skill in the art to provide a process for chemically modifying a hydrolyzable polymer-containing textile article to improve resistance to pilling by (a) applying an effective amount of a branched chain amine to the surface of the article, wherein the branched chain amine is selected from the group consisting of aliphatic amines, alkyl amines, and aliphatic

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substituted cyclic amines, and wherein the branched chain amine contains between 8 and 14 carbon atoms; and (b) heating the article, as currently claimed by Applicants.

Thus, Applicants respectfully maintain their previous position (Response dated 9/15/05) that the rejection lacks a *prima facie* showing of obviousness, since there is no reasonable expectation of success in making the Examiner's proposed modification or combination as required by MPEP § 2143.02 and as set forth in case law. Exemplary case law states that "The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure." *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). Accordingly, reconsideration and withdrawal of this rejection is earnestly requested.

Conclusion:

For the reasons set forth above, it is respectfully submitted that all claims now stand in condition for allowance.

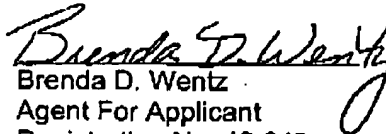
Should any issues remain after consideration of these Amendments and Remarks, the Examiner is invited and encouraged to telephone the undersigned in the hope that any such issue may be promptly and satisfactorily resolved.

To any extent required for acceptance of this paper, an extension of time is hereby requested. In the event that there are additional fees associated with the submission of these papers (including extension of time fees), authorization is hereby provided to withdraw such fees from Deposit Account No. 04-0500.

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Respectfully submitted,

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